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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,734	12/03/1998	GREGORY E. BOTTOMLEY	8194-205	5861

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EXAMINER

FAN, CHIEH M

ART UNIT PAPER NUMBER

2634

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/204,734

Applicant(s)

BOTTOMLEY, GREGORY E.

Examiner

Chieh M Fan

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 6,28 and 34-39.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 6 and 34-39.Claim(s) objected to: 17 and 28.Claim(s) rejected: 1,5,7-9,12,15,16,18-20,23,27 and 29-31.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 23 July 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 12/23/02 have been fully considered but they are not persuasive.

The applicant argues that the complex weighting coefficient c_1 , c_2 and c_3 are not estimates of channel response.

Examiner's response --- The coefficients c_1 , c_2 and c_3 are the estimates of channel response because Bruckert et al. teaches that the coefficients c_i are channel coefficients (see col. 12, lines 5-10, also see col. 3, lines 34-39). Furthermore, the teaching of Bruckert et al. is consistent with the instant application. According to Figs. 2 and 3 of the instant application, the received data is split into three paths (202a, 202b and 202c in Fig. 2). Each path generates a demodulated signal (i.e., traffic despread values in Fig. 2) and a weighting coefficient (i.e., channel estimate in Fig. 2). The demodulated signal of each path is weighted by its respective weighting coefficient (see 302a, 302b, 302c in Fig. 3). The weighted demodulated signals are then added together (see 304 in Fig. 3). On the other hand, in the Bruckert et al. reference, the received data is also split into three paths (132, 134 and 136 in Fig. 1). Each path also generates a demodulated signal (176, 180, 184 in Fig. 1; i.e., x_1 , x_2 , x_3) and a weighting coefficient (188, 190, 192 in Fig. 1; i.e., c_1 , c_2 , c_3). The demodulated signal of each path is also weighted by its respective weighting coefficient (see 130 in Fig. 1, also see col. 6, lines 4-16). The weighted demodulated signals are then also added

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together (see 138 in Fig. 1). Therefore, it is clear that the coefficients c_1 , c_2 and c_3 exactly correspond the channel estimate of the instant application. Based on the reasons stated above, the rejection under 35 USC 102 (e) in the previous Office Action is maintained.

2. The proposed amendment filed 12/23/02 has not been entered. For purposes of Appeal, the proposed amendment will be entered. The proposed amendment will overcome the rejection under 35 USC 112, first paragraph in the previous Office Action. After the proposed amendment is entered, the status of the claims will be as follows:

Claims allowed: 6 and 34-39.

Claims objected to: 17 and 28.

Claims rejected: 1, 5, 7-9, 12, 15, 16, 18-20, 23, 27 and 29-31.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M Fan whose telephone number is (703) 305-0198. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM, Alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (703) 305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Chieh M Fan ^{CF}
Examiner
Art Unit 2634

cmf
January 7, 2003


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
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